1:Vaillant A-5 (1928-1936)1941 NU7 Aztec NU7

585 at last a feast, liberally lubricated with pulque, took place.
[834] The bride and the groom, after this merciless treatment, retired for four days of penance and fasting, and not until that period elapsed did they consummate their marriage.

595 As is often the case in a warrior nation which suffers from
586 reduced man power, polygamy was prevalent. Yet the first wife took precedence over the others, and her children alone had the right to inherit. Concubines were permitted and there was, likewise, prostitution. Desertion was frowned upon, but a court would grant a decree of divorce under certain conditions. A man could obtain the right to cast out his wife if she were sterile, were subject to prolonged ill temper or neglected the household duty. The wife could be freed from a husband who failed to support her or educate the children or who ill-treated her in the physical sense, for the
[587] Aztecs had not invented mental cruelty. A divorced woman could remarry as she chose, but a widow had to marry a brother of her deceased husband or one of his clansmen.[a]

562 Women had definite rights, but they were inferior to those of men. They could hold property, enter into contracts and go to courts to obtain justice. In matters of sexual morality
[834] girls had to be chaste and wives faithful to their husbands. A
[837] man transgressed the rules of propriety only when his illicit relations involved a married woman. Otherwise his wife could not formally demand his fidelity. While the legal position of women was relatively low, judged by modern standards in the United States, personal influence was great, and there were several instances where a woman acted as regent when her son was too young to assume the office of chief. In mat-
[648] ters of tribal alliance we have seen how the marriage of a chief's daughter or sister to another ruler cemented an alliance.

16:Bandelier E-4 (no date) 1880 NU7 Aztec NU7

592 It is beyond our purpose, at present, to dwell on the
[562] ritual details themselves, but we must lay particular stress on the fact, that the wife became the *property* of her husband and that she was, as such, placed under the direct protection of his kinsmen. Such marriages could be annulled by mutual consent, [586] provided the kin gave its approbation. In such a case the woman was at liberty to marry again, and also to return to the calpulli from which she issued.[110]

764 We might now be expected to cast a glance at the funeral rites of the ancient Mexicans since it was *one of the attributes of the kin to enjoy common burial.*[111] But this question is so intimately connected with that of creed and belief that we refrain from trespassing too much on that field. The Mexicans practised cremation and, in the case of warriors slain in battle, at least, it is known that the exercises were conducted by the officers and leaders of each kin, *all its members*, and not the special relatives and friends only of the deceased, attending the ceremony.[112] Our knowledge of the burial places of aboriginal Mexico is still very indefi-

583 was given by their hand, out of which there arise great discomforts, and marriage
584 among free persons is not as free as it should be, therefore, we ordain and command: that no Indian principal of whichever condition or rank ("estado,") shall of his own accord or authority give away any wife to anybody whatsoever, nor shall he prevent any Macegual from marrying freely the woman whom he may wish, and who may like him,—under penalty of thirty days of imprisonment, and other penalties which the Judge may determine upon."

("*Concilios Provinciales, Primero y Segundo, celebrados por la muy noble, y muy Leal ciudad de México etc., etc. Dalos á Luz el Illmo Sr. D. Francisco Antonio Lorenzana Arzobispo de esta Santa Metropolitana Iglesia* Año de 1769). The "principales Indios" are the officers of the "Kins," and thus we have, thirty five years after the conquest, a formal recognition of the custom among the Mexican Indians that marriage was controlled by the Kin. How the "encomenderos" subsequently interfered with that custom, in order to conceal their own criminal doings, is plainly told by *Fray Antonio de Remesal* "*Historia de la Provincia de San Vicente de Chyapa y Guatemala, etc., etc.*" Madrid, 1619 (Lib. VII, cap. XV, p. 327).

[110] It is singular that some of the earliest ecclesiastical writers imply that there was no rule of repudiation or divorce among the ancient Mexicans. *Mendieta* (Lib. III, cap. XLVIII, p. 303). The same authority, however, attributes this to the baneful effects of contact with the Spaniards, in consequence of which the customs of the natives grew more or less dissolute and immoral (p. 304). *Zurita* (p. 97) confirms, and *Torquemada* (Lib. XVI, cap. XXIV, p. 196), copies Mendieta literally. For the customs of divorce see *Zurita* (p. 97), *Mendieta* (Lib. III, cap. XLVIII, p. 304), *Torquemada* (Lib. XIII, cap. XV, pp. 441 and 442). *Gomara* (Vedia I, p. 440). *Herrera* (Dec. III, Lib. II, cap. C, XVII, pp. 72 and 73), *Bustamante* ("*Texcoco*," p. 196), and others. The division of property mentioned as accompanying the divorce, applies only to personal effects, since the wife brought nothing else. See "*Tenure of Lands*" (p. 429, and note 107).

The matrimonial customs of the ancient Mexicans will be more thoroughly discussed by me in another monograph, subsequent to one on "Religious Beliefs."

[111] "*Ancient Society*" (pp. 71 and 83).

[112] Compare *Durán* (Cap. XVIII, pp. 154 and 156), and *Tezozomoc* (Cap. XXV, pp. 37 and 38).